



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/521,646	03/08/2000	Takahisa Hatakeyama	1924.63656	1446

7590 07/31/2002

PATRICK G BURNS  
GREEN BURNS & CRAIN LTD  
300 S WACKER DRIVE  
25TH FLOOR  
CHICAGO, IL 60606

EXAMINER

GREENE, DANIEL L

ART UNIT	PAPER NUMBER
----------	--------------

3621

DATE MAILED: 07/31/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/521,646

Applicant(s)

HATAKEYAMA ET AL.

Examiner

Daniel L. Greene

Art Unit

3621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 08 March 2000.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☒ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3,4. 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1-11 are rejected under 35 U.S.C. 102(e) as being anticipated by Ginter et al. US 6,253,193 [Ginter'193].

As per Claim 1.

Ginter'193 discloses:

a user unit which enables the user to use the content; Fig. 7, Col. 60-62.

a setting unit which sets a license as a structure expressed by a combination of logic sums and logic product

of a plurality of partial licenses for the content based on the ID information of the physical elements of said user unit including the media used in said user unit and the ID information of the user; Fig. 5b, Col. 59, lines 1-37.

a usage control unit which controls the usage of the content by said user unit based on the license set by said setting unit. Fig. 10, Col.79, lines23-67, Col. 80, 81& 82.

As per Claim 2.

Ginter'193 discloses all the limitations of claim 1.

Ginter'193 further discloses:

wherein the partial licenses set by said setting unit include the accounting condition constituting the condition for a category changing with the usage state of said user unit and the user. Fig.13, Col. 105, lines 15-67, Col. 106.

As per Claim 3.

Ginter'193 discloses all the limitations of claim 1.

Ginter'193 further discloses:

in which said usage control unit includes a unit for producing, at the request of the user unit to use the content, the license information encrypted from the license and the content decode key by the ID information of a plurality of physical elements of said user unit including the media used in said user unit, in which said user unit decodes the license information sent in accordance with the

content usage request, based on the ID information of the physical elements due to said user unit, and in the case where the license conditions are satisfied, the encrypted content are decoded by use of the content decode key. Col. 263 & 264.

As per Claim 4.

Ginter'193 discloses all the limitations of claim 1.

Ginter'193 further discloses:

wherein said production unit encrypts by multiplexing the ID information of the physical elements corresponding to the partial licenses of the license in the case where the interface of the partial licenses is described by the logic product. Col. 268, lines 28-61.

As per Claim 5.

Ginter'193 discloses all the limitations of claim 1.

Ginter'193 further discloses:

wherein the physical elements include those included in other physical elements. Fig.78, Col. 290,291.

As per Claim 6.

Ginter'193 discloses all the limitations of claim 1.

Ginter'193 further discloses:

a content server which holds the content encrypted by the authorized information supplier unit on an open network, and sends the encrypted content to said user unit upon receipt of a request to distribute the content from said user unit. Fig. 78, Col. 284,285.

As per Claim 7.

Ginter'193 discloses:

a user unit which requests the usage of the content, and decoding the encrypted content using the content decode key in the case of satisfying the license conditions obtained by decoding the license request sent in accordance with the content usage request, based on the ID information of the physical elements of the user unit;

a setting unit which sets a license expressed as a structure by a combination of logic sums and logic products of a plurality of partial licenses for the content based on the ID information for the physical elements of said user unit including the media used in said user unit and the ID information for the user;

a conditions storage unit which stores the license conditions set by said setting unit;

a holding unit which holds said content decode key;

an extraction unit which receives the content usage request from said user unit and extracts the license conditions and said content decode key corresponding to said user unit; and

a production unit which produces the license information by encrypting the license conditions and said content decode key based on the ID information of the physical elements sent from said user unit and sends the license information to said user unit. Fig. 79, Col. 301-304.

As per Claim 8.

Ginter'193 discloses:

a request unit which transmits an ID information of the physical elements of said content usage apparatus and an ID information of the user to an external content management apparatus which manages the content in response to a content usage request; a unit which decodes the license information transmitted by said content management apparatus, using the ID information of the physical element of said content usage apparatus in response to the content usage request, and determines the license conditions and the content decode key; and a unit which decodes the content using the decode key when permitted upon determination of the license obtained. Fig.35, Col.161 & 162.

As per Claim 9.

Ginter'193 discloses:

transmitting an ID information of the physical elements of said content usage apparatus and an ID information of the user to an external content management apparatus which manages the content in accordance with a content usage request; determining the license conditions and content decode key by decoding the license

information transmitted by said content management apparatus in response to the content usage request, using the ID information of the physical elements of said content usage apparatus; and decoding the content using the decode key when permitted upon determination of the license conditions. Fig.78, Col. 290,291,292.

As per Claim 10.

Ginter'193 discloses:

a unit which determines a license conditions and a content decode key by decoding a license information for the content based on an ID information of the physical elements of said content usage apparatus in response to the content usage request; and a unit which decodes the content by use of the decode key when permitted upon determination of the license conditions determined. Fig.78, Col. 290,291,292.

As per Claim 11.

Ginter'193 discloses:

determining license conditions and a content decode key by decoding the license information of the content based on an ID information of the physical elements of said content usage apparatus in response to the content usage request; and decoding the content using the decode key when permitted upon determination of the license conditions. Fig.78, Col. 290,291,292.



***Conclusion***

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Stefik et al. US 5629980.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel L. Greene whose telephone number is 703.306.5539. The examiner can normally be reached on M-Thurs. (8:00-5:30).

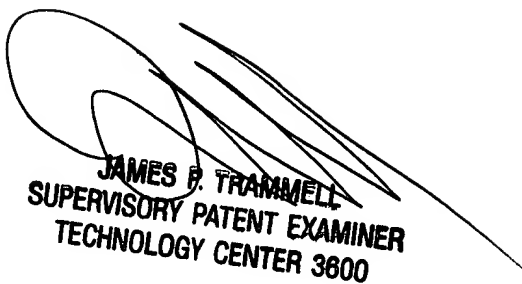
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James P Trammell can be reached on 703.305.9768. The fax phone numbers for the organization where this application or proceeding is assigned are 703.305-7687 for regular communications and 703.305.7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703.308-1113.

DLG  
July 24, 2002

Application/Control Number: 09/521,646  
Art Unit: 3621

Page 9



**JAMES P. TRAMMELL**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 3800**